

Dkt. 6065/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Glenn E. RIGGS et al.

Application No.: 09/915,301

Filing Date: July 27, 2001

Title: TRANSPORT LOGISTICS SYSTEMS AND METHODS

Art Unit: 3623

Examiner: Susanna Meinecke Diaz

REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF FINALITY

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Applicant gratefully acknowledges the Communication dated September 23, 2003. The continuation sheet to the Communication states that the previous Examiner (Rebecca Bachner): "took Official Notice that 'it is old and well known in the art of transport and shipping to have an electronic abstract (or written contract or proposals to review when deciding on a carrier and to select a carrier based on the abstract' (pages 17-18 of paper no. 13)" and "also cited the article 'Take It To The Limit' to support her taking of Official Notice." Applicant respectfully submits that the previous Examiner did not take Official Notice and did not cite the article "to support her taking of Official Notice." Applicants further submit that, in view of the newly cited art, it is improper to make the Office Action final and hereby request withdrawal of finality.

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The previous Examiner did not mention Official Notice in the first, non-final, Office Action dated January 15, 2003 or in the second, final, Office Action. Applicants, in their response to the first Office Action, also did not mention Official Notice. It is only in the Communication dated September 23, 2003 that it is now asserted, after the fact, that there was a taking of Official Notice.

The previous Examiner first mentions the article in part 5) under the heading "Response to Arguments" on page 22 of Paper No. 13. There is no indication therein that the article is cited to support any prior taking of Official Notice. Furthermore, it should be noted that there is no indication therein that the article is cited to support a prior taking of Official Notice of an electronic abstract or even as a prior art suggestion of the feature of an electronic abstract. Indeed, argument 5) on page is directly to the entirely different feature of a supplier receiving proposals and selecting a carrier.

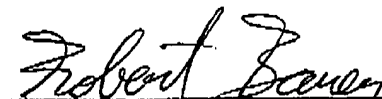
Second Request for Restarting Period for Reply

In addition to withdrawing finality and correcting or supplementing the Office Action to address the electronic abstract feature, Applicants respectfully repeat their request that the period for reply be restarted from the mailing date of any such Office Action. See MPEP 710.06.

Respectfully Submitted,

Dated: October 30, 2003

By:


Robert M. Bauer, Registration No. 34,487
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, New York 10022
Tel.: (212) 895-2000

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